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Rashida A. Karmali, Ph.D
Tech. & Intellectual Property

Registered Patent Attorney
99 Wall Street, 13th Floor
New York, NY 10005

Phone (212) 651-9653
Fax (212) 651-9654
Karmali@aol.co

FAX TRANSMISSION

DATE: October 5, 2004
TO: Examiner Steven Wasylchak

COMPANY: USPTO, Art Unit 3624

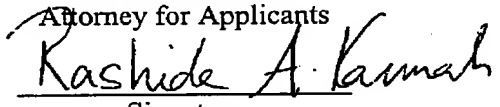
FAX NO: 703-305-7687

FROM: RASHIDA A. KARMALI
No. of Pages: 39

MESSAGE: RE: U.S. Application Serial No 09/523,789.

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is transmitted by Facsimile Addressed to
Examiner Steven Wasylchak, Group 3624, 703-305-7687 under 37 C.F.R. 1.6(d) on May
21, 2004 addressed to: Commissioner for Patents, Alexandria, VA 22313-1450.

Rashida A. Karmali
Attorney for Applicants

Signature
10/5/04
Date of Signature

CC: Supervisor Vincent Millin, Primary Examiner Hani M. Kazimi

Customer No 000042131; Docket No. 121.002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of:

Asani, Karim

Serial No.: 09/523,789

Art Unit: 3624

Filed: March 13, 2000

Examiner: Waslychak, Steven R.

For: METHOD AND SYSTEM FOR SECURE FINANCIAL TRANSACTION IN
ELECTRONIC COMMERCE

Commissioner for Patents
Box 1450, Alexandria, VA 22313-1450

RESPONSE Under 37CFR 1.112

Sir:

In response to the Office Action dated July 16, 2004 Applicant files this amendment and arguments. The current Office Action is the seventh one issued during the prosecution of this case. The reference (Schwartz et al, U.S. Patent Application No. 2001/0044787A1, published on November 22, 2001, claiming priority on a Provisional Application No 60/176,390, filed January 13, 2000- "the '44787 application.") upon which the Action bases a Section 102(e) rejection was published on November 22, 2001, and applicant cannot understand why this reference was not raised in the previous several Office Actions since it was available.

Applicant submits herewith a copy of Schwartz et al's Provisional No 60/176,390 to demonstrate that this document does not contain any of the cited sections from Schwartz et al's Published application – the '44787 application that the Examiner relied

on. That is, new matter added to the '44787 application cannot properly claim priority on the Provisional No 60/176,390. See Exhibit 1.

Since the filing date of the '44787 application is December 14, 2000, it cannot be prior art for the present application which has the earlier filing date of March 13, 2000.

In any event, applicant has submitted herewith amendments and arguments to overcome the Schwartz et al reference, in the vent that this Examiner deems it to claim priority to its Provisional.

The July 16, 2004 Office Action has cited an additional twelve (12) references but has not based any substantive arguments based on these references. Applicant has noted these references but is not discussing them in detail because they were not discussed in this Office Action.